

Chapter 17

ASSEMBLIES, PUBLIC

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[HISTORY: Adopted by the Town of Ellington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Special Events** **[Adopted effective 2-24-1981]**

§ 17-1. Applicability; purpose.

The provisions of this article shall apply to any outside area used for the purpose of public assembly when such public assembly exceeds, or can reasonably be expected to exceed, 250 persons (including employees, volunteers, vendors, visitors, patrons, sponsors, exhibitors, etc.). The regulation of said outside public assemblages and the supervision of the same are hereby declared to be necessary for the protection of the health, safety and welfare of the residents of the Town of Ellington.

§ 17-2. Definitions.

As used in this article, unless the context otherwise indicates, the following terms shall have the meaning indicated:

SPECIAL EVENT — Any public gathering of more than 250 persons assembled at one time for one particular event. The term "special event" shall not be interpreted to include the normal day-to-day operation of an existing commercial enterprise.

§ 17-3. Exceptions.

This article shall not apply to:

- A. Private functions for which no admission charge is made nor a monetary donation or contribution required of attendees; or
- B. Functions sponsored by churches on their own premises or by governmental or quasi-governmental organizations or by Town service organizations.

§ 17-4. License required; application; public notice.

- A. No special event shall be held without a valid license.
- B. Tickets to a special event shall not be sold without a valid license.
- C. Application for such license shall be made to the First Selectman not later than 60 days before the starting date of the special event upon forms approved by the Board of Selectmen.
- D. Public notice of each application disclosing the pertinent facts concerning the special event shall be made by the First Selectman within seven days after the application is received (cost of this notice shall be borne by the applicant).
- E. The Board of Selectmen shall not grant or deny the license until at least 10 days after such public notice but not more than 14 days after public notice.

§ 17-5. Qualifications of applicant; inspections.

- A. General standards to be applied. The general standards herein set out relative to the qualification of every applicant for a special event license shall be considered and qualified by the First Selectman.
 - (1) Citizenship. The applicant shall be a citizen of the United States or a declarant thereof as authorized by law.
 - (2) Age. The applicant shall be of majority.
 - (3) Good moral character. The applicant shall be of good moral character. In making such determination the First Selectman shall consider:
 - (a) Felony history. All felony convictions, the reasons therefor, and the demeanor of the applicant subsequent to his release.
 - (b) License history. The license history of the applicant; whether such person, in previously operating in this or another state under a license, has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.
 - (c) General personal history. Such other factors relevant to the general personal history of the applicant as he shall find necessary to a fair determination of

the eligibility of the applicant. In making such determination, the First Selectman shall require three character references of persons unrelated to the applicant.

- (4) Type of business. The applicant's type of business or activity must be bona fide and lawful.
- (5) Type and character of event. The type and character of the proposed special event.
- (6) No obligations to Town of Ellington. The applicant shall not be in default under the provisions of this article or indebted or obligated in any manner to the Town of Ellington except for current taxes not yet due.
- (7) Compliance with zoning regulations. The applicant shall present a certificate of occupancy or zoning permit to the effect that the proposed use of any premises is not a violation of Town zoning regulations.¹

B. Further information: The applicant shall also further specify:

- (1) Name(s) of applicant. If a partnership, names of all partners; if a corporation, club or association, names of officers.
- (2) Date organized and under laws of what state, if a corporation, club or association.
- (3) Legal residency, to assure avenues of communication.
- (4) Location of proposed special event.
- (5) Dates and hours of special event. No license shall be valid for more than three consecutive calendar days.
- (6) Anticipated maximum number of persons who will be assembled at one time for the proposed special event. No persons in excess of this maximum shall be permitted within the confines of the location of said special event. In order to assure compliance with this requirement, the applicant shall provide the First Selectman with a daily accounting of ticket sales.

C. Plot plan or sketch of facilities and write-up as may be required by the special event demonstrating adequate plans to meet local, state and other applicable standards for:

- (1) Vehicle parking spaces at a ratio of one for every two persons expected to attend.
- (2) Vehicle ingress and egress and on-site traffic control.
- (3) Food supplies and facilities.
- (4) Drinking water.
- (5) Sanitation facilities.
- (6) Lodging.

1. Editor's Note: See Ch. 230, Zoning.

- (7) Medical facilities and services.
 - (8) Fire zones.
 - (9) Refuse disposal, including cleanup of premises and removal of rubbish after conclusion of the event.
 - (10) Law enforcement.
 - (11) Fire prevention and protection.
 - (12) Lighting.
- D. The facilities for the proposed special event shall be subject to review by the following officers of the Town of Ellington not later than 48 hours of the time the licensed event is scheduled to begin and shall remain subject to subsequent inspections by said Town officials as they deem necessary:
- (1) Chief of Police.
 - (2) Fire Marshal.
 - (3) Building Officer.
 - (4) Director of Health.
 - (5) Ambulance Coordinator.
 - (6) Fire Chief.
 - (7) Zoning Enforcement Officer.
 - (8) Director of Public Works.

§ 17-6. Application contents, form and fee.

- A. Contents. The application shall contain all information necessary to comply with § 17-5 above.
- B. Form. The form of the application shall be a written application appended with a statement signed and sworn to by the applicant(s), either the individual(s), all partners, or all corporate officers, before a notary public of Connecticut, under penalty of false statement, that he will be responsible for the holding, operation and conduct of the proposed special event in accordance with the terms of the license and the provisions of this article and that the statements contained in the application are, to the best of his knowledge and belief, true.
- C. Payment of fees. The application shall be accompanied by the full amount of fees chargeable for such license. Such fees shall include an issuance fee of \$100 for each special event applied for.

§ 17-7. Grant or refusal of license.

The Board of Selectmen, in granting or refusing the license, shall consider each of the sections of this article as well as any other information which the Selectmen may require for the protection of the public communicated to the Selectmen during the 10 to 14 days following the public notice concerning the application. In any case of the denial or refusal of the Board of Selectmen to grant or renew a license, the First Selectmen shall notify the applicant in writing by certified mail of the proposed action and set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof and an opportunity to be represented by counsel at such hearing.

§ 17-8. Transfer of license; police protection; bond and insurance.

- A. A license may not be transferred by the licensee to any other person, corporation, partnership, club or association.
- B. Each licensee shall pay for police protection as required by the Board of Selectmen. The funds for said police protection, including a contingency fund, shall be deposited in an Ellington special fund two weeks prior to the special event. Any unused funds shall be returned to the licensee upon certification by the Board of Selectmen that all conditions of said police protection have been met.
- C. Each licensee shall be required to post an indemnity bond and/or performance bond in favor of the Town of Ellington conditioned upon saving harmless the Town of Ellington from any and all liabilities or causes of action which might arise by virtue of the granting of a license to the licensee and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property, that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property by such licensee, and that all other conditions of the license shall be met. Such cash bond(s) shall be returned to the licensee upon certification by the Board of Selectmen that all conditions of this article have been met.
- D. Each licensee shall obtain public liability insurance with a minimum combined single limit of \$1,000,000 applicable to bodily injury and property damage, naming the Town of Ellington as an additional named insured.

§ 17-9. Revocation of license.

The First Selectmen shall have the power to revoke any license issued hereunder for cause, after due notice. Cause shall be deemed to include, but shall not be limited to, false information in the application for a license knowingly given, failure to comply with the conditions under which the license has been granted, any violation of this article or conviction of a crime involving moral turpitude subsequent to the application for the license.

§ 17-10. Penalties for offenses.

Any person who shall violate any of the provisions of this article or fail to comply with any order made thereunder shall be guilty of a misdemeanor punishable by a fine of \$100. The

imposition of any penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations immediately, and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. The Town of Ellington shall be entitled to apply for an injunction to prohibit the holding of special events where the sponsor or promoter has failed to comply with the provisions of this article.

ARTICLE II
Use of Outside Areas
[Adopted effective 2-24-1981]

§ 17-11. Applicability.

The provisions of this article shall apply to any outside area used for the purpose of public assembly when such public assembly exceeds, or can be reasonably expected to exceed, 100 persons (including employees, volunteers, vendors, visitors, patrons, sponsors, exhibitors, etc.).

§ 17-12. Authority of Fire Marshal.

- A. The Fire Marshal shall designate fire zones as permitted in Chapter 74, Article I, Fire Zones, of this Code.
- B. The Fire Marshal may require such fire-extinguishing apparatus as he may deem necessary to be held on the grounds and in a state of immediate readiness and with sufficient qualified personnel to provide reasonable and adequate safety from fire and other emergencies. (The foregoing may include but be limited to fire extinguishers and qualified employees as approved by the Fire Marshal.)
- C. The Fire Marshal may require direct communication with a designated emergency dispatch center from a safe area within the assembly area.
- D. Such features as seating, capacity, aisles, lighting, storage of combustibles, storage of flammable liquids, rubbish handling, vending equipment, cooking equipment, electrical connections and equipment, displays and exhibits, stage and bandstand construction, operating procedures and methods shall be installed, operated and/or maintained as the Fire Marshal may deem necessary for public safety.

§ 17-13. Discontinuance of assembly.

Any violations of the foregoing, or the existence of any other hazardous condition, as determined by the Fire Marshal, which may jeopardize the safety of the public shall be just cause for the discontinuance of the public assembly function until such time as required safety features have been reestablished.

§ 17-14. Penalties for offenses.

Any person who shall violate any of the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than six months, or both such fine and imprisonment. The imposition of any penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations immediately, and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.